BY HENRY M. WHITNEY.

Every Wednesday Morning. AT SIX DOLLARS PER ANNUM. Fereign Subscribers, \$5.00 to \$10.00.

OFFICE -In the new Post Office Building, Merchant Street, Honolulu, H. L.

Javenile Poetry.

We have been shown a manuscript collection of written by a little girl, nine or ten years of ago, Miss Larry Bull, of Hartford, Coun., which certain! are remarkable for a child. Wm. Callen Bryant read over the meant, and wrote up a fir leaf. "I do not that I have seen any thing produced at the more age at all comparable to them." We copy one of the power, to show the language and sentiment of this worthing most ra-En. Gar ?

The Wildwood, I have a spot where the visit grows, And a mountain brack three forces flower Down to the sea that murmars low, And derive the feets or white at store arrend the rucks and if or the early. And plays by the bile where the lighthouse stands.

To singuith there at the close of day, When the possibil butterfly causes its play To cent in calm and sweet repose for the coll warm heart of the sweet rud rose. There the showy whethe He griden eye,

There to woom at down of the and but to the wild high missing by; Then all the fowers are waking up, And the water bly open the cop; The sea sends flows his warming rays, And the Bills brook with the publics still plays.

Late Foreign News.

A lodge of Hindoo Freemasons has been established in Bombay. The population of Egypt is 5,000,000, besides

the aligntors of the Nile. Finnis has the worst kept hotels of any States

Nucloik invested 10,000,000 bushels of oysters last year.

Illimit's penitentiary has given her a net profit of \$25,250 during the past year.

There are 42500,000 on deposit in the savings bunks of Ethnis Island.

Restor has just launched the only clipper ship boilt in the United States for several years. Baltimore is trying to raise \$15,000 for a statue

of the slid English Lord after which it is named. Mr. Bessemer surs he can produce a gan capublic of throwing a ten-ton ball.

King Oscar, of Norway and Sweden, is to be crowned at Stockholm, on the 31st of May, The Savannals Republican warmly welcomes William Callen Bryant to Georgia.

The Queen of Sweden is sole beiress of the late domager Emerces of Brazil The Pope, it is reported, is about to canonize Mary, Queen of Scota,

General Von Moltke has nearly completed his history of the France-German campaign. General Phil Sheridan is reported to be en-

gaged in writing a work on military tactics. George William Curtes is a native of Providense. Rhode Island, and is 49 years old. The Marquis of Bute is said to contemplate

an American tour during the coming summer. President Thiers has received some \$60,000 in all in the way of prime for his historical works. Condensed peat fael is now offered in England

me a submitted for coal. A correspondent of the Liverpool Post thinks the British wheat-crop of 1873 will be the short-

Only liftern per cent. of the land of Coba is under the plaw, yet her annual exports reach

Petitings for the restoration of capital punishment are fiseding the courts of the State of Elbode beland.

An estimate is made that since, and including the Chicago fire, the United States has lost \$300,000,000 by great fires in the various cities. A Michigan jury has compelled a street-car company to pay \$5,000 for cutting off a boy's

Newlound and has a first of 21 steamers and 150 miling craft, manned by 10,000, men, enguesd in the seal fishery, this senson.

Two English sisters named Pratt have just put up their shingles as deptists in Berlin. They Alexandria, in Egypt, is the most thriving city

of the East, and from a population of 60,000, m 2562, it has now reached 200,000. The English Attorney-General proposes to re-

dues the number of jurymen in all except capital cases to seven, and to reader valid the verdict of which secures him from burglary of a dwelling

Army, is now sugged with a corps of scientific house. The law throws its mantle of protection Americans, a exploring Palestine. The land of over the whole house in such cases, and is intend-Much will be the special labor of the spring ed to secure peaceful rest by night for its owner. A cutlery manufacturing company in Pennsyl-

tunin is said to have made a five years contract for six hundred Chinese operatives at 30 cents a Lewisten. Maine, has \$7,200,000 invested in

conton and worden mills, employing 2,391 males, and BASE females, and making 22,000 miles of Chicago expects to have a hotel capacity of

5.772 rooms, when its forty-one hotels are all completed. Before the fire it had thirty hotels, les farmed the past winter on New England

streams to such an extraordinary thickness that there was scarcely water enough left to run the

A simbare-fact well of into one bas been discovered in Adams township, Guerney County, Ohio, and the people of that region are in a ferment of excitement. The ore is said to be sixtyfive per cent, pure iron.

A firm of Dennison, Texas, butchers have commented the wholesale shipping of dressed beef drest to New York. They propose to run a through train twice a week, and are confident of

An Ohio man attached a medal to an eagle's neck and set him at liberty with much ceremony on Washington's birthday. Two days later the pront bot made a descent on a farmer's sheepper, and his brief cureer was ignominiously brought to a close by a charge of back-shot.

The Lenigh iron region contains 15 blast forvace corporations, that with 41 completed formanus manufacture one-third of the iron product of the country. Five other furnace companies have been organized, but they are not yet at 1 and 4, Ch. 30, Comp. Penal Code.

An indictment may be good although Arrangements have been completed for placing the words of the Statute are not used, pro-The salmon by in the rivers of Convided apt and sufficient words are used in de mentions by the State authorities, and as soon as scribing the alleged offence, to show that it nethey are able to obtain their own food, will be cessarily comes within the class of offences placed in the various streams of the State and described in the Statute, and contains all the ingredients of the Connecticut River. | ingredients of the offence charged.

E HAWAITAN GAZETTE.

VOL. IX,--NO. 19.

Supreme Court-In Banco, April

Term, 1873.

REFORE ALLEN, C. J., BARTWELL AND WIDEMANN, J.J.

The King es. Asina et al.

this Court before Hartwell, J., and found guilty

of the charges alleged in the indictment, and

thereupon their counsel moved in arrest of

I. That the indictment is double in charging

II. That the indictment is uncertain, as it is

impossible to say on which section of Chapter

XIV of the Penal Code it is based, and there-

III. That the charge should have been under

Section 15 of the XVIth Chapter of the Penal

This motion was denied, and thereupon

the prisoners' counsel moved for a new trial,

alleging as grounds therefor, I. Error of the

Court in instructing the jury that there was

no variance between the indictment and the

facts shown, inasmuch as the indictment charges

burglary in a dwelling house, whereas the proof

was that the room entered was used as a store,

being in the lower story of a house the upper

part of which was used for a dwelling, and con-

nected with the lower part only by an outer

stairway, the same person occupying and using

the entire premises, which were enclosed in one

yard, entered by a gate from outside : which mo-

. To these rulings exceptions were taken and

The Attorney-General, A. F. Judd, for the

OPINION OF THE COURT BY HARTWELL J. :

The indictment charges breaking and entering

a dwelling house by night with intent to steal

and stealing. It is urged that the intent and the

larceny are not chargeable under Sect. 1, Ch. 14,

Comp. Penal Code, viz. : "Whoever is the night

breaks and enters the dwelling house of another

with intent to commit murder, rape, arson, rob-

bery, larceny, or other felony, is guilty of bur-

glary." The second section of the same Chapter

provides that "To constitute burglary it is not

necessary that any crime within the meaning of

the above section be committed." This is like

the common law offence of burglary. "A bur-

glar is one that in the night time breaketh into a

mansion-house of another with intent to kill

some reasonable creature, or to commit some

other felony within the same, whether his feloni-

ous intent be executed or not."-3 Coke's Inst.,

63. Also like the Massachusets Statute: "Who-

ever breaks and enters in the night time a build-

ing, whip or wessel with intent to commit murder,"

&c .- Gen. St., 797. At common law and under

the Massachusetts Statute, both the intent and

the larceny may be charged in one count .- 2

Arch., Cr. P., 265; Wh. Cr. Law, 525; Roscoe's

Cr. Ev., 344; 3 Gr. Ev., §82; 3 Ch. Cr. Law,

1113: Devoe vs. Com., 3 Met., 322; Joslyn vs.

Com., 6 Ib., 239; Larned vs. Com., 12 Ib., 245;

Com. vs. Hope, 22 Pick., 5. The same rule ap-

plies to our Statute. An acquittal on this in-

dictment would bar an indictment under the

Statute of breaking and entry with intent to com-

mit a felony, or with an actual felony committed.

The intent may be shown by the act, and the ad-

ditional averment of the act does not vitiate that

of the intent, but if unnecessary may be disre-

garded as surplusage.-Lohman vs. People, 1

Com., 383; People vs. Gilkinson, 4 Park., 29;

The fifteenth section of the chapter cited de-

scribes a lower degree of the same offence, the

only substantial difference between that and the

offence as described in the first and second sec-

tions being the absence of any one in the house.

The prisoner may bring his sentence within the

lower penalty by showing that no one was in the

house, but not by showing that he has actually

committed the larceny. See The King vs. Hulu,

It is also urged that the proof fails to show

that a dwelling house was entered. But if the

owner of a dwelling house use any portion of his

house for a work-shop, store-room, counting-

room, office, sales-room, or study, and that por-

tion be entered by a burglar, the house-owner is

not precluded from the protection of the law

The Statute against burglary of a shop or count-

ing-room is expressly restricted to buildings which

are not dwellings. If the roling were made as

asked, it would soon be found that no burgiar is

Supreme Court - In Banco, April

REPORE ALLEN, C. J., HARTWELL, AND WIDEMANN, J.J.

The prisoner was indicted and found guilty at

the last term of this Court, before Hartwell, J., on

the charge that he " did falsely, fraudulently, and

feloniously forge and counterfeit a certain deed

of conveyance of real estate purporting to be

made by one Kaushiopelekane to one Kalauawa,"

which deed is set forth in the indictment, " with

the intent then and there to deceive Kani, Kenu,

Kalaniumi and Kaushiopelekane, the beirs at

law of said Kaushiopelekane, and to deceive

them in their rights of property." A motion in

arrest of judgment was made on the ground that

the indictment is bad in failure to aver the "in-

tent to prejudice," as well as deceive. The mo-

tion was denied, and exception to the ruling was

The Attorney-General, A. F. Judd, for the

Statute defines forgery as " the fraudulent mak-

ing or altering a writing with the intent to de-

ceive another and prejudice him in some right."

The Statute declares that " an intent to deceive

is essential to forgery, but it is not essential that

any should in fact be thereby deceived." Sects.

The King vs. Nahakualii.

Term, 1873.

Exceptions overruled.

April 26, 1873.

taken and allowed.

Crichton vs. People, 6 Ib., 366.

Oct. term, 1868.

tion was denied.

Crown: W. C. Jones, contra.

allowed.

fore the Court cannot pronounce sentence.

two distinct offences having different penalties.

judgment, alleging as grounds therefor,

The prisoners were tried at the last term of

The gist of this offence, say counsel, is an

intent to prejudice, and an intent to deceive, they

think, does not necessarily show an intent to pre-

judice or defraud. Perhaps one may falsely coun-

terfeit a deed with intent to deceive, without pre

dice, but he cannot do that act fraudulently and le-

of the land pretended to be conveyed thereby, in re-

gard to their rights of property, without actually

intending to harm or defraud them. Allegation of

false, fraudulent and felonious counterfeiting and

forging of a deed of sale of land with the intent

property, necessarily includes and means an in-

tention to prejudice those heirs. The counter-

the heirs, " I falsely, feloniously and fraudulently

forged your ancestor's deed of conveyance of this

land, intending thereby to deceive you concern-

ing your rights therein, but 'without prejudice

to any one." In The King vs. Ah Lou You, 3

Haw., it was held that allegation of assaulting a

public officer with intent to obstruct him in his

duty, was by necessity the same with an addi-

tional averment of knowledge that he was such

officer. This indictment sufficiently charges a

criminal intent to injure the owners of the land.

The total area under crops in Great Britain in

1870, taken from the agricultural returns, was

30,408,000 acres, of which 20,000,000 acres were

held in farms averaging 75 acres; 3,010,000 in

farms averaging 35 acres; 2,225,000 in farms av-

eraging 15 acres; and 408,000 acres in holdings

not exceeding 5 acres. There were 529,150

farmers, only 93,071 of whom occupied holdings

Inductive inquiry requires patient industry,

and an humble and conscientious acceptance of

what nature reveals. The first condition of suc-

cess is an honest receptivity and a willingness to

abandon all preconceived nations, however cher-

ished, if they be found to contradict the truth.

Believe me a self-renunciation which has some-

thing noble in it and of which the world never

hears, is often exacted in the private experience

When a musician has written his tune, he has

written a slender stream of that great spring of

genius which is welling up his soul. He will tell

you that that tune which sounded in his inward

ear was never sung afterward as it was first sung

to him. The silent songs that genius hear, the

invisible picture that genius sees, the hidden

buildings which men of genius construct, being

castles in the air (literary castles in the air)-

these are a thousand times more beautiful than

those which get out into the visible world .-

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of the true votary of science .- Tyndall.

Exception overruled.

above 100 acres in extent.

April 30, 1873.

HONOLULU, WEDNESDAY, MAY 21, 1873.

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NOTARY PUBLIC, Machinist, Lock and Gun Smith, JOHN NEILL,

loniously, with intent to deceive the rightful heirs Sewing Machines repaired; Dealer in Sporting Goods, Agent for the Celebrated FLORENCE SEWING MACHINES, 40, Fort Street, Homeinla, H. J. 430-ly WILDER & CO.,

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Charles W Brooks... 44 1-19

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